

Lab 2 week 3

1. A case where a warrantless search was accepted by the courts was the United States v. Hill, 855 F.2d 664. This case involves drug agents investigating the purchase of chemicals to make illegal drugs. These agents were given a tip by a witness that the criminals they were looking for were located on a house boat. The agents boarded the house boat with no warrant when they observed what looked like drug manufacture. The agents then arrested Hill and Pemberton and conducted a search of the house boat and found an amphetamine laboratory.

Hill and Pemberton claimed that their arrests were unlawful and that the evidence that was seized should be suppressed. However, the Tenth Circuit held that the agents had probable cause to enter the houseboat and arrest the two men. The main reason that the courts accept a warrantless entry was because the house boat was not considered a home. This meant that there was no requirement to produce a warrant to the men or obtain a warrant from the court. This allowed the agents non-consensual entry into the suspects home to make a routine felony arrest. The court concluded that the boat was a vehicle more than a home.

2.

AFFIDAVIT FOR SEARCH WARRANT

Jordan Forde, affiant(s), state that:

1. The person, place, or thing to be searched is described as and is located at:

The address to be searched is 123 Fake Street, Cork Co. Cork Ireland. The resident at this address is James Walsh who I suspect has several terabytes of illegal music downloads. This will be located on any electronic devices that is capable of storing music such as Laptop, PC, USB Keys and hard drives. This is where we will locate the music and gather evidence against him.

2. The PROPERTY/PERSON to be searched for and seized, if found, is specifically described as:

The suspects house is located on the corner of 123 Fake Street, it is the last house on the street. The house is a semi-detached 2 story house with 2 bed rooms and one bathroom. James Walsh is a tall skinny man with black hair. His computer (witch we suspect most of the music to be on) is a silver and black dell XPS. He has various hard drives and USB keys with music on them scatted through his house hold.

3. The FACTS establishing probable cause or the grounds for search are:

We have had suspicions of James having several terabytes of legally downloaded music for quite some time. The IP address that used to download the music was linked to James Walsh at his house hold address of 123 Fake Street, Cork Co. Cork Ireland. This took place the 22/10/2017 and the 25/10/2017. We have also had several tips that have confirmed our suspicions.